IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH
S.B. Civil Writ Petition No.859/07
Tejpal Yadav Vs. State of Raj. & Ors.

17.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri S.P. Sharma for petitioner.

Heard learned counsel for the petitioner.

The petitioner has challenged the order dated 16.10.2006 whereby the mining lease granted to the petitioner way back on 2.4.1991 was cancelled and the amount of Rs.50,000/- deposited by him as dead rent was refunded on the ground that earlier on 17.3.1993, a decision was taken in the high level committee headed by Secretary, Department of Forest and Environment of the Government that the

delineated plot alloted to the petitioner falls within the dense forest area, therefore a decision was taken to transfer this land to Forest Department. The learned counsel relied on the Circular of the Government dated 4.3.2002 issued by the Revenue Secretary of the Government that land having potential of minerals will not be generally transferred to forest.

Having heard the learned counsel for the petitioner, I find that the reason which the respondents are assigning in the impugned order for cancellation of the mining lease granted to the petitioner is that the area in which the mining lease has been granted to the petitioner is having dense forest and such reason cannot be said to be

irrelevant or extraneous. The learned counsel at this stage submitted that the action of the respondents is not bona fide because they are cancelling the number of mining leases granted in favour of different persons so as to give a big chunk of land for the purpose of mining to one single party. There is no basis for the petitioner to so allege and therefore such argument cannot be entertained without there being any foundation. When the respondents have decided to cancel the mining lease with the proclaimed purpose of protecting the forest wealth of the nation, this Court cannot doubt their intentions. If at all the respondents decides again to put the area in question for the use of the mining, the petitioner would be at

liberty to claim priority over any other applicants.

With these observations, the writ petition is dismissed.

(Mohammad Rafiq),J.

Rs/-